



Office of Adult Education

Adult Education Guidelines for Reporting Program Income

The Guidelines for Reporting Program Income provide further clarification and guidance on fees and tuition. Adult education programs should review local practices in light of these guidelines.

- ☐ Students cannot be charged tuition, and fees can only be assessed in limited instances.
- ☐ Program income is governed by 34 CFR 80.25 and 34 CFR 76.534, must be reported to the Office of Adult Education, and cannot be used as local matching funds.
- ☐ Any program income that is collected must be reinvested in the local adult education program.

Public-School Education

Students under the Compulsory School Attendance law and those over the age of 18, who are not required to attend school, are entitled to a *free* public-school education under the Constitution of the State of Indiana, Article 8, Section 1. The policy of the Indiana Department of Education is that students who have not graduated (earned a diploma) from high school are eligible for attendance in public schools regardless of age.

However, students over age 18 are subject to the pupil discipline law (IC 20-33-8) and the law of legal settlement (IC 20-26-11). While adult education is typically an appropriate placement, the school makes the final decision on placement in classes.

Per 511 IAC 11-8-4, an Indiana student who is eligible to be counted as enrolled for purposes of reimbursement in a state-approved adult education program shall not be charged tuition.

Assessment of Fees

The Indiana Supreme Court has determined that, absent statutory authority, fees or charges for public education costs cannot be levied against students or their parents. The court said, “Where the legislature – or through delegation of its authority the State Board – has identified programs, activities, projects, services, or curricula that it either mandates or permits school corporations to undertake, the legislature has made a policy decision regarding exactly what qualifies as a part of a uniform system of public education commanded by Article 8, Section 1 and thus what qualifies for funding at public expense.” *Nagy v. Evansville-Vanderburgh School Corporation*, 844 N.E. 2d. 481, 492 (Ind. 2006). **Fees charged for participation in an adult education program are generally not permissible.**

Extracurricular Fees

Fees for programs, activities, projects, services, or curricula identified by the legislature or extracurricular activities may be assessed, but only for students who participate in or take advantage of them. Some fees that may be charged by public-school adult education programs include textbook rental fees, refundable deposits for books or materials used for review at home, and childcare for the children of parents who bring their children to school, but require a sitter while they are in class.

If a rented textbook is lost or damaged, for example, and a deposit is not charged, the program can charge a replacement cost and can follow standard collection procedures to collect the amount.

To offset the costs of support services, local programs are encouraged to establish a fee policy. To avoid creating barriers to participation, local policies concerning fees for support services must be consistently set, defined, and published in advance. Programs should have a plan to ensure that fees do not adversely impact the participation of economically disadvantaged adult learners. The use of waivers or scholarships may be utilized for providing aid to students.

Out of District Students

School corporations may elect to bill other school districts for students who attend adult education programs from other districts. Under IC 20-26-11-15(a)(3)(D), the state Board of Education has the jurisdiction to determine the amount of transfer tuition owed. For a school corporation that fails to pay transfer tuition, the board may render an administrative judgment under IC 20-26-11-16(c) against the school district to compel payment.

Program Income

Funds generated from fees charged to individuals attending adult education programs must be reinvested exclusively in the adult education program and may not be reported as matching funds or used to meet local maintenance of effort requirements. Dollars must be reinvested for allowable activities under the Adult Education and Family Literacy Act. For example, monies collected from a student who paid a book deposit fee, but did not return the text, may be used to purchase new adult education books, software, or instructional supplies.

Programs must maintain separate records of all fees collected and report to the Office of Adult Education how the funds were reinvested into the program. This includes documentation of deposits and refunds, and the amount of deposits that are not refunded. Locally-generated funds should be spent in the year the monies were collected.